

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HENRY PETERS AND PAMELA PETERS,

Plaintiffs,

v.

ROLAND DAVID, et al.,

Defendants.

Civ. Action No. 07-2210 (KSH)

**ORDER ON TRIAL COUNSEL'S
FAILURE TO COMPLY WITH
ORDERS OF THE COURT**

Katharine S. Hayden, U.S.D.J.

On July 10, 2012, in anticipation of setting a trial date in the within matter, the Court entered an order requiring counsel for the parties to file joint proposed jury instructions, joint proposed jury voir dire, and a joint proposed jury verdict sheet [D.E. 150], and on August 15, 2012 the Court entered an order directing counsel to make further submissions upon finding deficiencies in documents provided in apparent compliance with the July 10th order. [D.E. 151.] The Court now finds on representation by defendant's attorney, Tamara Ann L. Del Carmen, in a letter filed August 16, 2012 [D.E. 152], that a deficient submission mailed to the Court by plaintiff's attorney, Shmuel Klein, which purported to be a joint submission, is in fact Klein's individual submission, contrary to Klein's representations. The Court finds further that Tamara Ann L. Del Carmen made no submission at all, despite being under order to participate in filing joint proposed jury documents. As a consequence, the Court finds that both these attorneys have flouted the clear and specific directions of the Court.

Good cause appearing,

IT IS on this 16th day of August, 2012,

ORDERED as follows:

1. The submission received by the Court from Shmuel Klein, dated August 6, 2012, purporting to be a joint submission of the parties **is stricken**.
2. Absent a proper joint submission of proposed jury voir dire, jury instructions and a jury verdict sheet that comply with the Court's orders of July 10, 2012 [D.E. 150] and August 15, 2012 [D.E. 151] by close of business Tuesday September 4, 2012 and a further order of this Court indicating that the joint submission is acceptable, Shmuel Klein and Tamara Ann L. Del Carmen shall appear in Courtroom #5, 3rd floor of the Frank R. Lautenberg U.S. Post Office and Courthouse, Newark, NJ at 9:30am on September 10, 2012, and each consecutive day thereafter, until they have completed a proper joint submission that is acceptable to the Court.
3. Counsel shall bring their own laptop computers, printer, and any other supplies necessary to work jointly on the submission.
4. No adjournments will be granted absent proper proof of a court ordered deposition, pre-paid vacation, or previously scheduled court appearance.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.